



FSO-172-06

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Secretary of Natural Resources

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David K. Paylor  
Director

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Regional Director

**STATE AIR POLLUTION CONTROL BOARD**  
**ORDER BY CONSENT**  
**ISSUED TO**  
**CARDINAL CONCRETE COMPANY**  
**DEQ Air Facility Registration No. 40758**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1307 D, § 10.1-1309 and 10.1-1316 C, between the State Air Pollution Control Board ("SAPCB") and the Cardinal Concrete Company Corporation for the purpose of resolving certain alleged violations of the Air Pollution Control Law and/or regulations as specified in Section C of this Order.

**SECTION B: Definitions**

Unless the context indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality.
6. "Cardinal" means Cardinal Concrete Company, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Cardinal Concrete Company – Stafford Plant located at 32 Wyche Road, Stafford County, Virginia.
8. "FSO" means the Fredericksburg Satellite Office of the Northern Virginia Regional Office of DEQ, located in Fredericksburg, Virginia.
9. "Order" means this document, also known as a Consent Order.
10. "2001 Air Permit" means Stationary Source Permit to Construct and Operate, issued to Cardinal Concrete Company on April 3, 2001.
11. "VAC" means Virginia Administrative Code.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Cardinal owns and operates a concrete batch plant at the Facility. The Facility's operation is subject to the terms of the 2001 Air Permit.
2. The Board has evidence to indicate that Cardinal has violated the 2001 Air Permit by: (1) failing to maintain systems to control fugitive dust emissions (lack of a wet suppression system or other equivalent means); (2) operating the plant while the primary control device, the dust collector, was not operating properly; and (3) failing to develop and maintain a maintenance schedule and maintenance records. DEQ issued a Notice of Violation (NOV) to Cardinal on June 20, 2006 for the above-referenced violations.
3. On May 23, 2006, DEQ FSO staff conducted a compliance inspection at the Facility. Upon arrival, staff immediately observed fugitive dust emissions being emitted from the haul roads and traffic areas. Emissions from these areas were observed the duration of the inspection.
4. During the loading of trucks #236, #280, #181 and #59, particulate emissions were observed. Mr. Joe Otis of the Facility stated that the excessive emissions observed were caused by "clogged bags". Facility personnel decided to shutdown the plant until repairs could be made to the dust collector. A review of Cardinal's daily inspection log revealed that from May 8 - 19, 2006, plant personnel had made notations about excessive emissions from the load out area documenting the cause as the "dust collector not drawing well".
5. In a voice mail message left at 1435 EDT on May 24, 2006, Mr. Michael Mercer, Cardinal Area Manager, stated that Cardinal Concrete maintenance personnel cleaned out the dust collector. They had found the bags caked in cement and recommended the bags be replaced.

6. During the May 23<sup>rd</sup> Inspection, no maintenance schedule or maintenance records were available.
7. During a meeting on July 11, 2006, with DEQ, Cardinal (1) submitted a maintenance schedule and recordkeeping forms to document scheduled and non-scheduled maintenance; (2) offered to install a magnehelic gauge on the Facility dust collector to measure pressure drop across the bags; and (3) stated that the gauge would be monitored daily to assist Cardinal in ensuring the dust collector is operating correctly.
8. With letter dated July 14, 2006, Cardinal stated (1) the magnehelic gauge had been installed; and (2) a piece of hose had been ordered to be installed at the wash rack – the hose will assist in the control of fugitive dust emissions by allowing plant personnel to water down the unpaved haul roads.
9. On July 27, 2006, DEQ FSO staff conducted a follow-up site visit at the Facility. DEQ staff observed and verified that Cardinal has (1) installed a magnehelic gauge to monitor the pressure drop across the bags; (2) installed an additional water hose(s) to control fugitive dust emissions from haul roads and stockpiled materials; and (3) implemented a maintenance schedule, including a maintenance log and written maintenance procedures for the air pollution control equipment. During this inspection, DEQ observed one material truck load out for which no visible emissions were observed.
10. Appendix A of this Order requires Cardinal to develop and implement a quality assurance/quality control program for the magnehelic gauge which ensures proper operation & maintenance of the Facility's fabric filter baghouse.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1307 D, §10.1-1309 and § 10.1-1316 C, the Board orders Cardinal Concrete Company, and Cardinal Concrete Company voluntarily agrees, to perform the actions in Appendix A of this Order. In addition, The Board orders Cardinal Concrete Company, and Cardinal Concrete Company voluntarily agrees, to pay a civil charge in the amount of six thousand nine hundred and seventy-eight dollars (\$6,978.00) within 30 days of the effective date of the Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

Either in the transmittal letter or as a notation on the check, Cardinal Concrete Company shall indicate that this payment is submitted pursuant to this Consent Order and shall include the Federal Identification Number for Cardinal Concrete Company.

**SECTION E: Administrative Provisions**

The Board may modify, rewrite, or amend the Order with the consent of Cardinal Concrete Company for good cause shown by Cardinal Concrete Company, or on its own motion after notice and opportunity to be heard.


2. This Order addresses and resolves only those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Cardinal Concrete Company by DEQ on June 20, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Cardinal Concrete Company admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Cardinal Concrete Company consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Cardinal Concrete Company declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the State Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Cardinal Concrete Company to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Cardinal Concrete Company shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other such circumstance. Cardinal Concrete Company must show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Cardinal Concrete Company shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. The reasons for the delay or noncompliance;
  - b. The projected duration of any such delay or noncompliance;
  - c. The measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. The timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Cardinal Concrete Company. Notwithstanding the foregoing, Cardinal Concrete Company agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Cardinal Concrete Company. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Cardinal Concrete Company from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Cardinal Concrete Company voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 14<sup>th</sup> day of September, 2006

  
Jeffery A. Steers, NVRO Regional Director  
Department of Environmental Quality

Cardinal Concrete Company Corp. voluntarily agrees to the issuance of this Order.

By: 

Title: V. P. - Operations

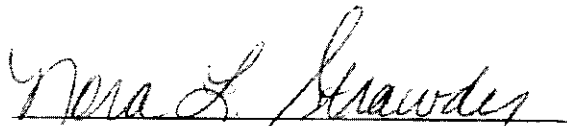
Date: 9/12/06

Commonwealth of Virginia

City/County of Louisiana

The foregoing document was signed and acknowledged before me this 12<sup>th</sup> day of

September, 2006, by Stephen Rinder, who is  
Vice President - Operations of Cardinal Concrete Company, on behalf of Cardinal Concrete  
Company.

  
Notary Public

My commission expires: 12/31/06

## **APPENDIX A SCHEDULE OF COMPLIANCE**

No later than thirty (30) days from the effective date of this Order, Cardinal Concrete Company shall equip the Facility's Griffin Environmental fabric filter dust collection system ("fabric filter") with a device to continuously measure the pressure drop across the fabric filter. The monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring device shall be provided with adequate access for inspection and shall be in operation when the concrete batch plant is operating.

2. No later than thirty (30) days from the effective date of this Order, Cardinal Concrete Company shall specify the acceptable range of pressure drop across the fabric filter representative of good performance of the fabric filter. As a minimum, such normal pressure drop operating range should be the manufacturer's written requirements or recommendations. The designated pressure drop operating range shall be available for inspection by the DEQ.
3. No later than thirty (30) days from the effective date of this Order, Cardinal Concrete Company shall observe the pressure drop monitoring device readings with a frequency of not less than once per operating day or more frequent as recommended by the fabric filter manufacturer to ensure good performance of the fabric filter. Cardinal Concrete Company shall keep a log of the observations from the pressure drop monitoring device. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.